IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4209 OF 2004

IN

CRIMINAL APPEAL NO.613 OF 1999

...

Shri Dhananjay Bhagawan Mhatre ..Applicant

v/s

The State of Maharashtra ..Respondent

...

Shri R.S. Thakur for the Applicant.

Shri D.P.Adsule, APP for the State.

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CORAM: V.M.KANADE, J.

DATED: 18TH OCTOBER,2004

P.C.:

1. Heard the learned Counsel appearing on behalf of the Applicant and the learned APP on behalf of the State.

2. The Applicant is convicted under Sections 304 Part II and 326 of the Indian Penal code and sentenced to suffer RI for 10 years. He is in jail since last 2 & 1/2 years. The Appeal is already admitted. Initially application for bail was preferred, but the same was allowed to be withdrawn. This is the second application for bail.

3. The fact remains that the appeal will not come up for hearing for some time. The allegation against the Applicant is that he had given 4-5 blows on the head of the deceased with an iron bar. There appears to be some discrepancy between the evidence of the injured witness regarding the actual number of blows, which were received by the deceased. Under the circumstances, the applicant be released on bail in the sum of Rs.5,000/- with one or two sureties in the

like amount. He shall, however, not enter the jurisdiction of Panvel Taluka till the hearing and final disposal of the appeal. He shall report to the nearest police station from the place where he intends to reside, once in fifteen days. Appellant/Applicant to give his new address to the Superintendent of Jail before he released on bail.

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